

ORIGINAL

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America)
v.)
)
TODD KOZEL)
<i>Defendant</i>)

18 MAG 10663**APPEARANCE BOND****Defendant's Agreement**

I, TODD KOZEL (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

- () to appear for court proceedings;
- () if convicted, to surrender to serve a sentence that the court may impose; or
- () to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

- () (1) This is a personal recognizance bond.
- () (2) This is an unsecured bond of \$ _____.
- () (3) This is a secured bond of \$ 1,000,000.00, secured by:

() (a) \$ 1,000,000.00, in cash deposited with the court.

() (b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

() (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

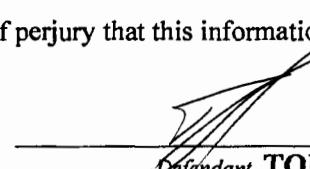
Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

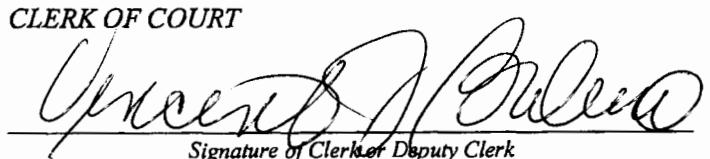
Date: 12/19/18
Defendant **TODD KOZEL** signatureSurety/property owner – **FRANK KOZEL** 12/19/18Surety/property owner – **ROBERT KOZEL** 12/19/18

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – signature and date

Surety/property owner – signature and date

Date: 12/19/18**CLERK OF COURT**
Signature of Clerk or Deputy Clerk

Approved.

Date: 12/19/18
AUSA JENNIFER BEIDEL signature

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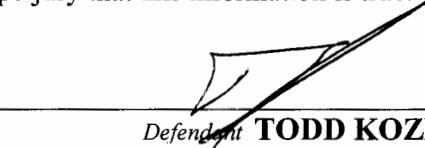
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Date: 12/19/18


Defendant **TODD KOZEL** signature

Surety/property owner – **FRANK KOZEL** 12/19/18

Surety/property owner – signature and date

Surety/property owner – **ROBERT KOZEL** 12/19/18

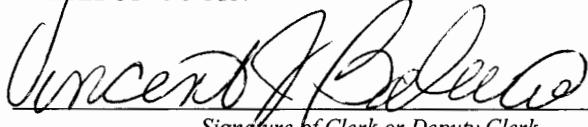
Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Date: 12/19/18

CLERK OF COURT


Signature of Clerk or Deputy Clerk

Approved.

Date: 12/19/18


AUSA JENNIFER BEIDEL signature
By Michael Longyear

UNITED STATES DISTRICT COURT
for the

Southern District of New York

United States of America)
v.)
) Case No. **18 MAG 10663**
TODD KOZEL)
Defendant)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

Place

on _____

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (*only if above is an organization*) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- () (7) The defendant must:

() (a) submit to supervision by and report for supervision to the telephone number _____, no later than _____.

() (b) continue or actively seek employment.

() (c) continue or start an education program.

() (d) surrender any passport to: **PRETRIAL SERVICES**

() (e) not obtain a passport or other international travel document.

() (f) abide by the following restrictions on personal association, residence, or travel: **SDNY**

() (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

() (h) get medical or psychiatric treatment: _____

() (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

() (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

() (k) not possess a firearm, destructive device, or other weapon.

() (l) not use alcohol () at all () excessively.

() (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

() (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

() (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

() (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

() You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

() (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

ADDITIONAL CONDITIONS OF RELEASE

- () (s) \$1,000,000.00 PRB; CO-SIGNED BY 2 FRP'S (DEFENDANT'S FATHER FRANK KOZEL AND BROTHER ROBERT KOZEL); SECURED BY \$1,000,000.00 CASH; TRAVEL LIMITS INCLUDE THE SDNY; TEMPORARY ADDITIONAL TRAVEL UPON THE CONSENT OF AUSA AND THE APPROVAL OF PRETRIAL SERVICES; SURRENDER OF TRAVEL DOCUMENTS AND NO NEW APPLICATIONS; PRE-TRIAL SUPERVISION AS DIRECTED; DEFENDANT IS TO SUBMIT TO A URINE ANALYSIS, IF POSITIVE ADD CONDITION OF DRUG TESTING/TREATMENT; ELECTRONIC GPS MONITORING (STAND ALONE); DEFENDANT IS TO PAY ALL OR PART OF THE COST OF LOCATION MONITORING AS DETERMINED BY PRETRIAL SERVICES; DEFENDANT IS TO SEEK EMPLOYMENT; DEFENDANT IS NOT TO POSSESS ANY FIREARMS/DESTRUCTIVE DEVICES OR OTHER WEAPONS; DEFENDANT IS TO BE DETAINED UNTIL ALL CONDITIONS HAVE BEEN MET; DEFENDANT IS TO REFRAIN FROM EXCESSIVE USE OF ALCOHOL; DEFENDANT MAY TRAVEL TO PITTSBURGH OR PALMS SPRINGS CALIFORNIA TO VISIT FAMILY IF APPROVED BY PRETRIAL SERVICES

Wire Transfer Confirmation number 1219A1B7A41C001049 POSTING \$1,000,000.00 into the Registry of the court. Security condition is satisfied. So Ordered Judge Debra Freeman.

ADVICE OF PENALTIES AND SANCTIONSTO THE DEFENDANT: **TODD KOZEL** **18 MAG 10663**

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years

and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

DEFENDANT RELEASED


Defendant **TODD KOZEL** Signature

City and State

Directions to the United States Marshal

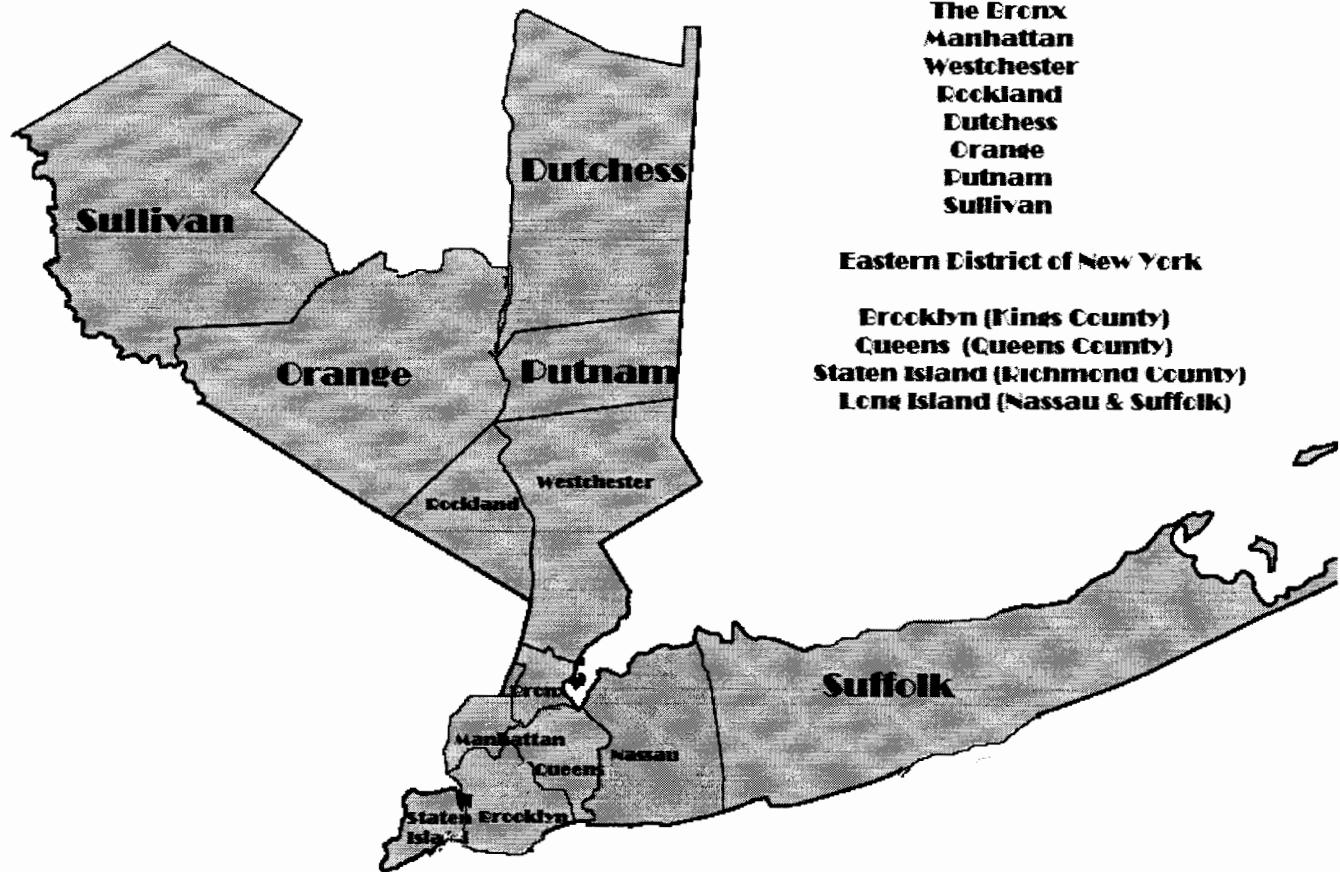
- () The defendant is ORDERED released after processing.
 () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: _____

Judicial Officer's Signature

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL



DOCKET NO. 18MA610d63

DEFENDANT Todd Kozel

AUSA Jennifer Beidel

DEF.'S COUNSEL David Meister

INTERPRETER NEEDED

DEFENDANT WAIVES PRETRIAL REPORT

Rule 5 Rule 9 Rule 5(c)(3) Detention Hrg.

DATE OF ARREST 12/18/18

VOL. SURR.

Other:

TIME OF ARREST 12:45 pm

ON WRIT

TIME OF PRESENTMENT 6:10 pm

BAIL DISPOSITION

SEE SEP. ORDER

DETENTION ON CONSENT W/O PREJUDICE

DETENTION: RISK OF FLIGHT/DANGER

SEE TRANSCRIPT

DETENTION HEARING SCHEDULED FOR: _____

AGREED CONDITIONS OF RELEASE

DEF. RELEASED ON OWN RECOGNIZANCE

\$ 1 million PRB FRP (by father + brother) Frank Kozel (father)
Robert Kozel (brother)

SECURED BY \$ 1 million CASH/PROPERTY: _____

TRAVEL RESTRICTED TO SDNY/SDNY

TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES

SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)

PRETRIAL SUPERVISION: REGULAR STRICT AS DIRECTED BY PRETRIAL SERVICES

DRUG TESTING/TREATMT AS DIRECTED BY PTS MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS

DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT

HOME INCARCERATION HOME DETENTION CURFEW ELECTRONIC MONITORING GPS (stand alone)

DEF. TO PAY ALL OR PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES

DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] DEF. TO CONTINUE OR START EDUCATION PROGRAM

DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON

DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET

DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: _____

; REMAINING CONDITIONS TO BE MET BY: _____

ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:

- D to refrain from excessive use of alcohol
- D may travel to Pittsburgh or ~~Atlanta~~ to visit family, if pre-approved by PTS
Palms Springs CA

DEF. ARRAIGNED; PLEADS NOT GUILTY

CONFERENCE BEFORE D.J. ON _____

DEF. WAIVES INDICTMENT

SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL _____

For Rule 5(c)(3) Cases:

IDENTITY HEARING WAIVED

DEFENDANT TO BE REMOVED

PRELIMINARY HEARING IN SDNY WAIVED

CONTROL DATE FOR REMOVAL: _____

PRELIMINARY HEARING DATE: 1/17/19

ON DEFENDANT'S CONSENT

DATE: 12/18/18

Todd Kozel
UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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MUNICH
PARIS
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SEOUL
SHANGHAI
SINGAPORE
TOKYO
TORONTO

December 19, 2018

Via Email

Hon. Debra Freeman
United States Magistrate Judge
United States Courthouse
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Todd Kozel, 18 MAG 10663

Dear Magistrate Judge Freeman:

I am writing on behalf of Todd Kozel with respect to the security portion of the conditions of release ordered by the Court yesterday.

The Court ordered Mr. Kozel to be released pursuant to a bond secured by \$1 million. I am writing to confirm that \$1 million was transferred by wire to the Court earlier today, pursuant to the Court's standard wire instructions. I have informed AUSA Jennifer Beidel of the wire transfer confirmation number, 1219A1B7A41C001049. Based on that information, Ms. Beidel agrees that this condition of release has been satisfied.

Based on the above, we respectfully request that the Court order that the security condition has been satisfied.

Respectfully submitted,

David Meister

cc: Jennifer Beidel, AUSA (by email)

/SO ORDERED
12/19/18
david m-

